

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Edward Piszczek v Rochester Community Schools**  
Docket No. **260797**  
L.C. No. **2003-050793-NI**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal from the August 5, 2004 order denying appellant's motion for summary disposition on governmental immunity grounds is **DISMISSED** for lack of jurisdiction since the circuit court determined an issue of material fact regarding appellant's gross negligence precluded a grant of summary disposition in appellant's favor under MCR 2.116(C)(10). *Newton v Michigan State Police*, 263 Mich App 251, 259; 688 NW2d 94 (2004). If appellant still wants to appeal this order, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 4 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk